

To: The Honorable Mayor and City Council

From: Jeff Geimer, Director of Parks and Recreation

Date: October 23, 2012

RE: Fee Waiver and Award Guidelines

RECOMMENDATION

Staff is recommending adoption of the attached resolution in order to better define the City's fee waiver guidelines for use of city facilities, equipment, services and Showmobile and the guidelines for awarding grants, donations and the purchase of tickets.

BACKGROUND

On April 13, 2010, the Mayor and Council adopted resolution number 2010-33 adopting uniform procedures and guidelines for award of grants, fee waivers and the use of City owned facilities, including the Showmobile. This resolution took the place of resolutions 1986-9 (Showmobile), 1999-40 (grants and fee waivers), and 2003-2 and 2003-6 (City facilities).

The new resolution was suppose to eliminate any ambiguity that existed with the older resolutions and provide clarity to the Mayor and Council, City Manager and staff. Unfortunately, questions continued to arise and staff found it necessary to create a new set of guidelines. The new guidelines have been separated into four sections:

- Use of City Facilities;



776 N.E. 125 Street, North Miami, Florida 33161

Council Report

- Use of City Equipment and Services;
- Use of City Showmobile; and
- Awarding Grants, Donations and/or Purchasing Tickets.

ATTACHMENTS

Proposed Resolution

Proposed Guidelines

RESOLUTION NO. _____

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF
THE CITY OF NORTH MIAMI, FLORIDA, REVISING
UNIFORM PROCEDURES AND GUIDELINES FOR AWARD
OF GRANTS, DONATIONS AND/OR PURCHASING
TICKETS, USE OF CITY EQUIPMENT AND SERVICES,
USE OF CITY OWNED FACILITIES, AND USE OF THE
CITY SHOWMOBILE; PROVIDING FOR AN EFFECTIVE
DATE AND ALL OTHER PURPOSES.**

WHEREAS, the Mayor and City Council adopted Resolution 86-9, revising the rules governing the use of the Showmobile; and

WHEREAS, the Mayor and City Council adopted Resolution No. 99-40, adopting procedures and guidelines for the award of grants or fee waivers regarding unbudgeted funds; and

WHEREAS, the Mayor and City Council adopted Resolution No. 2003-2, adopting procedures and guidelines for the use of the City's community centers, and subsequently amended the Resolution by adopting Resolution No. 2003-6; and

WHEREAS, the Mayor and City Council adopted Resolution No. 2010-33, adopting procedures and guidelines for the award of grants or fee waivers, use of City owned facilities including the Showmobile; and

WHEREAS, since the passage of Resolution 2010-33, questions arose regarding the application of the guidelines and the use of City resources that were not clearly addressed in the resolution; and

WHEREAS, the City administration is recommending the adoption of the revised procedures and guidelines for award of grants, donations and/or purchasing tickets, use of City equipment and services, use of City owned facilities and services, and use of the city showmobile in four (4) distinct sections as follows:

Awarding Grants, Donations and/or Purchasing Tickets (Exhibit "A")

Use of City Equipment and Services (Exhibit "B")

Use of City Facilities (Exhibit "C")

Use of City Showmobile (Exhibit "D")

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. Recitals. The recitals in the whereas clauses are true and correct, and incorporated into this Resolution.

Section 1. Adoption of procedures and guidelines. The Mayor and City Council of the City of North Miami, Florida, hereby adopt the revised uniform procedures and guidelines for the award of grants, donations and/or purchasing tickets, use of City equipment and services, use of City owned facilities, and use of the City showmobile in substantially the attached form. A copy of said uniform procedures and guidelines is attached hereto as "Exhibits A through D".

Section 2. Effective Date. This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, this _____ day of October, 2012.

ANDRE D. PIERRE, ESQ.
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: _____

Seconded by: _____

Vote:

Mayor Andre D. Pierre, Esq.	_____ (Yes)	_____ (No)
Vice Mayor Marie Erlande Steril	_____ (Yes)	_____ (No)
Councilperson Michael R. Blynn, Esq.	_____ (Yes)	_____ (No)
Councilperson Scott Galvin	_____ (Yes)	_____ (No)
Councilperson Jean R. Marcellus	_____ (Yes)	_____ (No)

EXHIBIT A

Guidelines for Awarding Grants, Donations and/or Purchasing Tickets

The City of North Miami recognizes the value of partnering with other agencies and organizations in providing services that benefit the community and its residents. In an effort to provide support for organizations providing valuable community services, the following guidelines have been established.

The City Manager or his/her designee may award a grant, make a donation or purchase tables or tickets to an event if the applicant makes the request in writing and the appropriate criteria under one of the following categories are met.

- 1) Intergovernmental Cooperation
 - a) Tickets or tables may be purchased for events when the applicant is another government agency and the event is related to municipal or governmental affairs.
- 2) Department Sponsored Program
 - a) An award may be made to an applicant for events and programs that are sponsored by the Parks & Recreation Department. The City Manager may choose to sponsor an event or program if he/she determines that all of the following criteria are met:
 - i) The co-sponsoring organization is a valid non-profit or community service organization;
 - ii) Appropriate recognition as co-sponsor of the event is provided for the City of North Miami Parks and Recreation Department on all promotional materials and at the event; and
- 3) Non-Profit and For Profit Organizations
 - a) The City Manager may make an award to a non-profit agency or community service organization if the City Manager determines that all of the following criteria are met:
 - i) The organization is a valid non-profit or community service organization;
 - ii) The event is of significant value to the community or its residents;
 - iii) The organization is in compliance with the City's non-discrimination policy; and

For all awards, the following standards will apply:

- a) The organization/business/individual requesting the award shall be physically based in the City or must demonstrate that the event will be of significant public benefit to City residents;
- b) A request for an amount in excess of \$500 shall go to the City Council for action;
- c) Scheduling and use of facilities and events are subject to availability of requested facilities;
- d) Reasonable steps shall be made by the event organizer to minimize impacts to City facilities, programs and residents;
- e) Contributions of volunteer efforts and/or materials to the Parks & Recreation Department are encouraged from all users;
- f) The organization/business/individual requesting the waiver shall not be affiliated with any political party or action committee and the event will not be used to support any candidate or political issue;
- g) The organization/business/individual requesting the waiver must submit the request a minimum of thirty days prior to the scheduled event unless otherwise waived by the City Manager; and
- h) The City Manager may, at his/her discretion, place conditions on the award to minimize costs to the City.

Appeals

All decisions of the City Manager may be appealed to the City Council for review. The City Manager may, at his/her discretion, bring any request to City Council for review and a decision.

EXHIBIT B

Fee Waiver Guidelines for Use of City Equipment and Services

The City of North Miami recognizes the value of partnering with other agencies and organizations in providing services that benefit the community and its residents. In an effort to provide support for organizations providing valuable community services that the City would otherwise provide or is unable to provide, the following guidelines have been established for determining when fees may be waived.

Fees charged for the use of City equipment and/or staff may be waived by the City Manager or his/her designee, if the applicant requests a fee waiver under one of the following categories and the appropriate criteria are met.

- 1) Intergovernmental Cooperation
 - a) Fees may be waived for equipment and/or staff when the applicant is another government agency or department and the use is for official business and related to the performance of its normal functions.
- 2) Department Sponsored Program
 - a) Fees may be waived for equipment and/or staff when the Parks & Recreation Department is a sponsor. The City Manager may choose to waive the fee for equipment and/or staff if he/she determines that the following criteria are met:
 - i) The co-sponsoring organization is a valid non-profit or community service organization;
 - ii) Appropriate recognition as co-sponsor of the activity is provided for the City of North Miami Parks and Recreation Department on all promotional materials and at the activity.
- 3) Non-Profit and For Profit Organizations
 - a) The City Manager may waive equipment and/or staff fees for a non-profit agency or community service organization if he/she determines that all of the following criteria are met:
 - i) The organization is a valid non-profit or community service organization;
 - ii) The activity is of significant value to the community or its residents;
 - iii) The organization is in compliance with the City's non-discrimination policy;
 - iv) The City Manager determines that the proposed activity will have no significant impact on departmental activities, the organization will provide volunteer services and/or materials to mitigate any financial impacts created by the activity or the impacts that are created will be adequately offset by the public benefit provided; and
 - v) If a fee is charged at the activity, the City Manager will determine if proceeds will be paid to the City to offset department costs.

For all uses, the following standards will apply:

- a) The organization/business/individual requesting the waiver shall be physically based in the City or must demonstrate that the event will be of significant public benefit to City residents;
- b) A certificate of insurance or statement of self-insurance identifying the City as an additional insured (depending on the scope and intensity of the proposed event);
- c) An indemnification and hold harmless agreement waiving liability of the City;
- d) Scheduling and use of facilities and events are subject to availability of requested facilities;
- e) Reasonable steps shall be made by the event organizer to minimize impacts to City facilities, programs and residents;
- f) Contributions of volunteer efforts and/or materials to the Parks & Recreation Department are encouraged from all users;

EXHIBIT B

- g) The organization/business/individual requesting the waiver shall not be affiliated with any political party or action committee and the event will not be used to support any candidate or political issue;
- h) The organization/business/individual requesting the waiver must submit the request a minimum of thirty days prior to the scheduled event unless otherwise waived by the City Manager; and
- i) The City Manager may, at his/her discretion, place conditions on the use to minimize impacts to facilities or costs to the City (i.e. staff) or to restore facilities used to a pre-use condition.

Security Deposit

The City Manager may require a refundable security deposit, even for uses which fees have been waived.

Appeals

All decisions of the City Manager may be appealed to the City Council for review. The City Manager may, at his/her discretion, bring any request to City Council for review and a decision.

City Council

Council members may use City equipment, staff or services within North Miami city limits up to six times during a fiscal year for community related events, activities or projects. Council members may use City equipment, staff or services outside North Miami city limits up to three times during a fiscal year with approval of the City Council.

EXHIBIT C

Fee Waiver Guidelines for Use of City Facilities

The City of North Miami recognizes the value of partnering with other agencies and organizations in providing services that benefit the community and its residents. In an effort to provide support for organizations providing valuable community services that the City would otherwise provide or is unable to provide, the following guidelines have been established for determining when fees may be waived.

Fees charged for the use of City facilities or for a special event held on or impacting public right-of-way may be waived by the City Manager or his/her designee, if the applicant requests a fee waiver under one of the following categories and the appropriate criteria are met.

- 1) Intergovernmental Cooperation
 - a) Fees may be waived for events or uses when the applicant is another government agency or department and the use is for official business and related to the performance of its normal functions.
- 2) Department Sponsored Program
 - a) Fees may be waived for events and programs that are sponsored by the Parks & Recreation Department. The City Manager may choose to sponsor an event or program if the following criteria are met:
 - i) The co-sponsoring organization is a valid non-profit or community service organization;
 - ii) Appropriate recognition as co-sponsor of the event is provided for the City of North Miami Parks and Recreation Department on all promotional materials and at the event.
- 3) Non-Profit and For Profit Organizations
 - a) The City Manager may waive fees for a non-profit agency or community service organization if the City Manager determines that all of the following criteria are met:
 - i) The organization is a valid non-profit or community service organization;
 - ii) The activity/event is of significant value to the community or its residents;
 - iii) The organization is in compliance with the City's non-discrimination policy;
 - iv) The City Manager determines that the proposed event will have no significant impacts on the facilities or departmental activities, that the organization will provide volunteer services and/or materials to mitigate any impacts created by the event or that the impacts that are created are adequately offset by the public benefit provided by the event; and
 - v) If a fee is charged at the activity/event, the City Manager will determine if proceeds will be paid to the City to offset department costs.

For all uses, the following standards will apply:

- a) The organization/business/individual requesting the waiver shall be physically based in the City or must demonstrate that the event will be of significant public benefit to City residents;
- b) A certificate of insurance or statement of self-insurance identifying the City as an additional insured (depending on the scope and intensity of the proposed event);
- c) An indemnification and hold harmless agreement waiving liability of the City;
- d) Scheduling and use of facilities and events are subject to availability of requested facilities;
- e) Reasonable steps shall be made by the event organizer to minimize impacts to City facilities, programs and residents;
- f) Contributions of volunteer efforts and/or materials to the Parks & Recreation Department are encouraged from all users;
- g) The organization/business/individual requesting the waiver shall not be affiliated with any political party or action committee and the event will not be used to support any candidate or political issue;

EXHIBIT C

- h) The organization/business/individual requesting the waiver must submit the request a minimum of thirty days prior to the scheduled event unless otherwise waived by the City Manager; and
- i) The City Manager may, at his/her discretion, place conditions on the use to minimize impacts to facilities or costs to the City (i.e. staff) or to restore facilities used to a pre-use condition.

Security Deposit

The City Manager may require a refundable security deposit, even for activities/events for which fees have been waived.

Appeals

All decisions of the City Manager may be appealed to the City Council for review. The City Manager may, at his/her discretion, bring any request to City Council for review and a decision.

City Council

Unless approved by City Council, Council members may use City facilities up to six times during a fiscal year for community related events.

EXHIBIT D

Fee Waiver Guidelines for Use of the City Showmobile

The City of North Miami recognizes the value of partnering with other agencies and organizations in providing services that benefit the community and its residents. In an effort to provide support for organizations providing valuable community services that the City would otherwise provide or is unable to provide, the following guidelines have been established for determining when fees may be waived.

Fees charged for the use of the Showmobile may be waived by the City Manager or his/her designee, if the applicant requests a fee waiver under one of the following categories and the appropriate criteria are met.

- 1) Intergovernmental Cooperation
 - a) Fees may be waived for the Showmobile when the applicant is another government agency or department and the use is for official business and related to the performance of its normal functions; and
 - b) The Showmobile may be used by an adjoining and contiguous municipality provided the use is for a city event/activity.
- 2) Department Sponsored Program
 - a) Fees may be waived for the Showmobile when the activity is sponsored by the Parks & Recreation Department. The City Manager may choose to waive the fee if it is determined that the following criteria are met:
 - i) The co-sponsoring organization is a valid non-profit or community service organization;
 - ii) Appropriate recognition as co-sponsor of the activity is provided for the City of North Miami Parks and Recreation Department on all promotional materials and at the activity.
- 1) Non-Profit and For Profit Organizations
 - a) The City Manager may waive the Showmobile fees for a non-profit agency or community service organization if the City Manager determines that all of the following criteria are met:
 - i) The organization is a valid non-profit or community service organization;
 - ii) The activity/event is of significant value to the community or its residents;
 - iii) The organization is in compliance with the City's non-discrimination policy;
 - iv) The City Manager determines that the proposed event will have no significant impacts on the facilities or departmental activities, that the organization will provide volunteer services and/or materials to mitigate any impacts created by the event or that the impacts that are created are adequately offset by the public benefit provided by the event; and
 - v) If a fee is charged at the activity/event, the City Manager will determine if proceeds will be paid to the City to offset department costs.

For all uses, the following standards will apply:

- a) The organization/business/individual requesting the waiver shall be physically based in the City or must demonstrate that the event will be of significant public benefit to City residents;
- b) A certificate of insurance or statement of self-insurance identifying the City as an additional insured (depending on the scope and intensity of the proposed event);
- c) An indemnification and hold harmless agreement waiving liability of the City;
- d) Scheduling and use of facilities and events are subject to availability of requested facilities;
- e) Reasonable steps shall be made by the event organizer to minimize impacts to City facilities, programs and residents;
- f) Contributions of volunteer efforts and/or materials to the Parks & Recreation Department are encouraged from all users;

EXHIBIT D

- g) The organization/business/individual requesting the waiver shall not be affiliated with any political party or action committee and the event will not be used to support any candidate or political issue;
- h) The organization/business/individual requesting the waiver must submit the request a minimum of thirty days prior to the scheduled event unless otherwise waived by the City Manager;
- i) Except as provided above, use of the Showmobile is restricted to City of North Miami city limits unless approved by City Council;
- j) Only trained City personnel will be allowed to transport and operate the Showmobile; and
- k) The City Manager may, at his/her discretion, place conditions on use of the Showmobile to minimize the financial impact to the City.

Security Deposit

The City Manager may require a refundable security deposit, even for uses which fees have been waived.

Appeals

All decisions of the City Manager may be appealed to the City Council for review. The City Manager may, at his/her discretion, bring any request to City Council for review and a decision.

City Council

Unless approved by City Council, Council members may use the Showmobile up to three times during a fiscal year for community related activities and events within North Miami city limits.